

Serial No. 61236

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAY 11 1995

Returned to applicant for correction JUN 08 1995

Corrected application filed Map filed June 29, 1995 under 61232

The applicant ECHO BAY MINERALS COMPANY

5250 Neil Road, Suite 300

Reno

Street and No. or P.O. Box No.

City or Town

Nevada 89502

State and Zip Code No.

hereby make application for permission to change the

Point of diversion

Point of diversion, manner of use, and/or place of use

Permit No. 58415

of water heretofore appropriated under

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

Underground (Mine Dewatering)

1. The source of water is Name of stream, lake, underground spring or other source.
4.46 cfs
2. The amount of water to be changed Second feet, acre feet. One second foot equals 448.83 gallons per minute.
Mining, Milling and Domestic
3. The water to be used for Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
Mining, Milling and Domestic
4. The water heretofore permitted for Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
Within the SE 1/4 SE 1/4
5. The water is to be diverted at the following point Describe as being within a 40-acre subdivision of public survey and by course and
of Section 36, T29N, R42E, MDM or at a point from which the southeast corner of said Section 36
at a point from which the southeast corner of said Section 36
distance to a section corner. If on unsurveyed land, it should be stated bears, S 32° 22' 19" E a distance of
1529.9 feet
6. The existing permitted point of diversion is located within The SW 1/4 SW 1/4 Section 36, T29N,
R42E, MDM or at a point from which the southeast corner of said
Section 36 bears, S 74° 33' 40" E a distance of 4568.0 feet.
(Refer to line 15 for the tie difference for Permit #48415)
If point of diversion is not changed, do not answer.
7. Proposed place of use Refer to Exhibit "A" attached hereto, Exhibit "A"
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
Place of Use is identical to that filed with Application 51710
8. Existing place of use Refer to Exhibit "A" attached hereto. Exhibit "A"
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
Place of Use is identical to that filed with Application 51710
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Drilled and cased well, installed
submersible pump and electric motor
State manner in which water is to be diverted, i.e. diversion structure,
ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works \$450,000.00
13. Estimated time required to construct works Existing well: 31" diameter, 1025' deep,
24 steel casing, Byron Jackson 11-stage pump, 1-600hp motor, flowmeter
and totalizer installed

6 years

14. Estimated time required to complete the application of water to beneficial use.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Well DW-12 was not correctly located in the field. This Application ~~corrects that mislocation. The applicant agrees that the total combined duty of consumptive use under all permits shall not exceed 3000 acre feet annually. The balance of water developed or pumped will be placed in the percolation system pursuant to permits previously granted by the State Engineer and the Nevada Department of Environmental Protection. The previous point of diversion has been abandoned due to cessation of underground mining activities.~~

By s/ Harry R. Ericson
Harry R. Ericson, Agent
950 Industrial Way
Sparks, NV 89431

Compared gkl/ tdf cl/bk

Protested.....

APPROVAL
OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 58415 is issued subject to the terms and conditions imposed in said Permit 58415 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.46 cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before June 25, 1996

Proof of completion of work shall be filed before July 25, 1996

Application of water to beneficial use shall be made on or before June 25, 1998

Proof of the application of water to beneficial use shall be filed on or before July 25, 1998

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed JUL 15 1996

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No. Issued.....

IN TESTIMONY WHEREOF, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 3rd day of June

A.D. 19 96

R. Michael Turnipseed, P.E.
State Engineer

WITHDRAWN BY APPLICANT JUL 11 2001

Justin Ricci, P.E. X
STATE ENGINEER

(PERMIT TERMS CONTINUED)

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The issuance of this permit will allow the permittee to dewater the pit area. Maximum use of the water for mining, milling and related purposes from all dewatering wells will be made. All of the water from the dewatering wells not used for mining, milling and related purposes will be returned to the groundwater source in the manner authorized under Division of Environmental Protection's Water Pollution Control Permit issued June 7, 1989.

This permit is issued subject to the stipulation between Echo Bay Minerals Company and Lander County, dated May 11, 1993, and with the understanding that no additional consumptive use of water is granted under this permit.

The total combined consumptive use of water under Permits 49249; 51711, Certificate 12515; 51712, Certificate 12516; 52776; 52777; 52778; 53220; 55178; 55179; 55181; 55183; 55186; 55903; 55904; 55905; 56497; 56498; 56894; 57370; 57967; 58410; 58411; 58412; 58413; 58414; 58720; 58721; 61232; 61233; 61234; 61235 and 61236 will not exceed 3,000.0 acre-feet annually.

Monthly reports will be submitted to the State Engineer stating the amount of water pumped from each well; the amount of water used for mining, milling and related purposes; the amount of water placed in the percolation system; the estimated amount of water evaporative losses from the percolation system and the estimated amount of water recharged to the groundwater system.

EXHIBIT A

PLACE OF USE

T30N R42E MDM
Sections 26, 27, 34, 35, 36

T30N R43E MDM
Section 30

T29N R42E MDM
Sections 1, 2, 3, 10, 11, 12, 13, 14, S 1/2 15, E 1/2 16,
23, 24, 25, 26, S 1/2 27, S 1/2 28, S 1/2 29,
SE 1/4 30, E 1/2 31, 32, 33, 34, 35, 36

T29N R43E MDM
Sections 4, SW 1/4 5, 6, 7, W 1/2 8, 10, S 1/2 14, E 1/2 16,
W 1/2 17, 18, 19, 20, 21, 22, W 1/2 23, 24, 25, 26,
27, S 1/2 28, 29, 30, 31, 32, 33, 34,
W 1/2 SE 1/4 SE 1/4 NE 1/4 35, 36

T28N R42E MDM
Sections 1, 2, 3, 4, 5, N 1/2 8, 9, 10, 11, 12, 13, 14, 15,
22, 23, 24

T28N R43E MDM
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27

